

### Counter-Defendants.

**UNION RICH *ET AL.*'S  
RESPONSE IN OPPOSITION TO  
TRAVEL CADDY/ROOSTER'S  
MOTION TO STRIKE  
(N.D.GA. DOCUMENT NO. 367)**

This is Union Rich *et al.*'s response in opposition to Travel Caddy/Rooster's unnecessary and after-the-fact motion to strike Union Rich *et al.*'s Sherman Act claims (paragraphs 52-70) of their Second Amended Answer and Counterclaim (N.D.Ga. Document No. 336).

Contrary to Travel Caddy/Rooster's hasty and erroneous contention, Union Rich *et al.* did not *file* their Second Amended Answer and Counterclaim on January 11, 2007. Instead, this Honorable Court entered the subject pleading on January 11, 2007, based upon the Court's Orders of December 14-15, 2006, which granted-in-part and denied-in-part Union Rich *et al.* underlying motion for leave to file (N.D.Ga. Document No. 203).

Specifically, and pursuant to the Court's Orders, leave to file herein the Walker Process count (i.e., violation of the antitrust laws based upon Travel Caddy/Rooster's fraud on the Patent Office) was denied. Accordingly, Travel Caddy/Rooster was not, and is not, required to answer said Sherman Act claims (paragraphs 52-70) of Union Rich *et al.*'s pleading. Thus, the Court has already addressed the matter set forth in Travel Caddy/Rooster's unnecessary motion to strike.

Yet additionally, on or about January 8, 2007, and in light of the Court's Orders of December 14-15, 2006, counsel for Union Rich *et al.* contacted the Court

Chambers and confirmed with Her Honor's Clerk that it would be unnecessary for Union Rich *et al.* to file a newly amended pleading extracting the antitrust claim.

Wherefore, Travel Caddy/Rooster's Motion to Strike is improper and unnecessary, and should thus be denied.

Respectfully submitted this 31<sup>st</sup> day of January, 2007.

/Ashish D. Patel/  
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CERTIFICATION

Pursuant to Local Rule 7.1D, counsel for Union Rich *et al.* hereby certifies that this paper has been prepared in Times New Roman Font in 14 point type.



CERTIFICATE OF SERVICE

I hereby certify that the foregoing *Union Rich et al.'s Response in Opposition to Travel Caddy/Rooster's Motion to Strike (N.D.Ga. Document No. 367)* was electronically filed via CM/ECF in the United States District Court for the Northern District of Georgia, with notice of same being electronically served by the Court to the following:

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Respectfully submitted this 31<sup>st</sup> day of January, 2007.

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